

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

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|--|---|--------------------------------|
| UNITED STATES OF AMERICA, <i>ex rel.</i> |) | |
| TEITELBAUM, |) | |
| |) | Civil Action No. 04-12412 MEL |
| Plaintiffs, |) | |
| |) | <u>FILED UNDER SEAL</u> |
| V. |) | |
| |) | |
| DELTA AIRLINES, INC, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for the consenting.” *Id.*

Thereafter, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the undersigned Government counsel. The United

States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

Finally, the United States requests that the relator's Complaint, this notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of September, 2005, I caused a copy of the GOVERNMENT'S NOTICE OF ELECTION and proposed Order to be sent via United States mail, postage prepaid, addressed to the following:

Evans Carter
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Anita Johnson
Anita Johnson
Assistant U.S. Attorney